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No. 07-1471

Supreme Court, U.S.
FILED
NOV 2 8 2008
OFFICE OF THE CLERK

In The Supreme Court of the United States

WILLIAM R. YEE,
Petitioner,

v.

MICHIGAN SUPREME COURT, et al,
Respondents.

On Petition For Writ Of Certiorari

To The United States Court Of Appeals

For The Sixth Circuit

Rule 44(2) Petition for Rehearing

WILLIAM R. YEE (P35984)
Petitioner pro se
PO Box 310, Owosso, MI 48867
989 666-2878

INTRODUCTION

This case was originally filed in the United States District Court, Eastern District of Michigan based upon a criminal conspiracy with the intent of violating 18 USC § 1962 giving rise to a civil action in the United States District Court, Eastern District of Michigan under an 18 USC § 1964(c) umbrella a claim with predicate federal claims including 42 USC § 1983, 42 USC § 1985, 18 U.S.C. § 241, 18 U.S.C. § 1341, and predicate state law claims that include extortion, theft, conspiracy, assault and battery, home invasion, illegal search and seizure etc, with jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

The clerk of the trial court below filed defaults against respondents Christine Roche' and Philip Dulmage. Respondents Philip Dulmage and Christine are not Judges, lawyers or government officials with any form of immunity.

The District court dismissed the complaint with prejudice against Philip Dulmage, Christine Roche', Judge Lostracco, Mr. Loomis and the rest of the Respondents based upon Judicial Immunity, the *Rooker-Feldman* doctrine, Judicial and quasi-judicial immunity and a variety of other theories.

Since the dismissal by the trial court below, respondents Philip Dulmage, Christine Roche, Judge Lostracco, and Mr. Loomis have continued their criminal conspiracy to deprive Petitioner William Yee of money, property and due process of law in *Roche' v Yee*, 95-5692-DM.

Rule 44(2) intervening circumstances

Since the trial court dismissed this case Petitioner served Respondents Judge Lostracco and Mr. Loomis with a summons and complaint in 35th Circuit Court of Michigan, *Roch'e v Yee,* 95-5692 DM.

Petitioner attempted to file defaults against Respondents Judge Lostracco and Mr. Loomis, but Respondent Judge Lostracco instructed the Clerk of the Court not to accept and file defaults in *Roche' v Yee,* 95-5692 DM.

Petitioner filed a motion to make Respondents Judge Lostracco and Mr. Loomis defendants pursuant to *Thames .v Thames*, 191 Mich 299, 302; 477 NW2d 496 (1991):

> A divorce case is equitable in nature, and a court of equity molds its relief according to the character of the case. *Wiand v Wiand*, 178 Mich App 137, 144; 443 NW2d 464 (1989), quoting *Schaeffer v Scaheffer*, 106 Mich App 452, 457-458; 308 NW2d 226 (1981). Once the court acquires jurisdiction, it will do what is necessary to accord complete equity and conclude the controversy. *Wiand*, supra, p 144. Generally, a court has no authority to adjudicate the rights of third parties in divorce actions. Id., p 146. An exception to the general rule exists when it is claimed that a third party has conspired with one spouse to deprive the other spouse of an interest in the marital estate. Id. See also anno: Propriety of consideration of, and disposition as to, third

person's property claims in divorce litigation, 63 ALR3d 373.

Respondent Judge Lostrocco denied Petitioner's motion to file a summons and complaint against Respondent s Judge Lostrocco and Mr. Loomis.

Pursuant to MCR 2.118(D) the Summons and Complaint served upon Respondents Judge Lostracco and Mr. Loomis would be effective from 1995 and precede the complaint in the trial court below:

> MCR 2.118(D: Relation Back of Amendments. An amendment that adds a claim or a defense relates back to the date of the original pleading if the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth, or attempted to be set forth, in the original pleading.

Respondent Judge Lostrocco denied Petitioner the benefits of MCR 2.118(D). When Petitoner files another lawsuit, Respondent Judge Lostracco can now file a motion for dismissal grounded upon *res judicata* and the summary judgment and dismissal in the trial court below.

Petitioner filed motions for return of an illegal $5000.00 fine for contempt because it exceeded the $250.00 maximum and was imposed during and automatic stay created by a motion for a retrial and amended judgment. Respondent Judge Lostracco did in fact give $4,500.00 to

Respondent Christine Roche' instead of returning an illegal $5000.00 fine for contempt to Petitioner.

Relief Requested:

Petitioner moves this court to order the trial court below to reinstate the defaults against Respondents Christine Roche' and Philip Dulmage.

Petitioner moves this court to determine that at this time all people in positions of power, including Judges, Prosecutors, Attorney Generals, and government officials must follow the rules and find that *Rooker-Feldman*, judicial and quasi-judicial immunities cannot be a defense against civil suit for injuries proximately caused by crimes based upon intentional violation of court rules, state and federal criminal laws, *stare decisis* and corruption of the courts.

Petitioner moves this court to order the trial court to grant partial summary judgment for petitioner with respondents to pay all attorney fees and costs for discovery and trial in the trial court.

Petitioner moves the court to grant further relief to petitioner as appropriate to the public record in these matters.

These pleadings comply with Rule 44(2) and address continuing criminal behavior by Respondents since the Petition was filed in this court.

This Petition for rehearing has 827 words, less than the 3000 limit prescribed by Rule 33(1)(g)(viii)

WILLIAM R. YEE © (P35984), November 2, 2008

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Rule 44(2) Certificate of Compliance

Petitioner William Yee asserts that the motion for reconsideration was filed for the purpose of moving the court to put the entire country on notice that all people in positions of power must follow the rules, that immunity is only applicable to unintentional collateral damage, and is not available for misfeasance, malfeasance, nonfeasance, obstruction of justice, or a pattern of criminal conduct as demonstrated by numerous violations of court rules, violations of *stare decisis*, and a criminal conspiracy that includes networking of the state judiciary with the executive office and state agencies under the supervision of the executive office.

Petitioner is not aware of any improper advantage to be obtained by paying the fee for this petition or filing this petition.

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